

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 1:09-CR-98

DONTAY LATRAY-DAJUAN BANKS,

HON. ROBERT HOLMES BELL

Defendant.

MEMORANDUM OPINION

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2), Guideline Amendment 750 (docket #54). Based on a review of defendant's motion and the Sentence Modification Report, the Court has determined that the motion should be denied because the mandatory minimum sentence of 120 months was imposed at sentencing.

Defendant was originally sentenced on January 7, 2010, to 120 months following his guilty plea to Count One of the Indictment charging Distribution of 50 Grams or More of Cocaine Base; 21 U.S.C. § 841(a)(1) and (b)(1)(A)(iii). The Sentencing Guidelines provide that "where a statutorily required minimum sentence is greater than the maximum of the applicable guideline range, the statutorily required minimum sentence shall be the guideline sentence." USSG §5G1.1(b). Since Amendment 750 does not result in a lower guideline range due to the mandatory minimum sentence imposed, defendant is not eligible for a sentence reduction under 18 U.S.C. §3582(c)(2) and USSG §1B1.10.(a)(2)(B). No objections have been filed to the Sentence Modification Report.

ACCORDINGLY, defendant's motion for reduction of sentence (docket #54) is
DENIED.

Dated: July 11, 2016

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE